CHAPTER 9: RISK MANAGEMENT PLAN (PART 68, SUBPART G)

You must submit one risk management plan (RMP) to EPA for all of your covered processes (§ 68.150). EPA is developing an electronic submission program for your use. If you cannot submit electronically, you may request a hardship waiver and submit your RMP on paper. In either case, your RMP is due no later than the latest of the following dates:

- ✦ June 21, 1999;
- ✦ The date on which a regulated substance is first present above a threshold quantity in a process; or
- ✦ Three years after the date on which a regulated substance is first listed by EPA.

EPA's automated tool for submitting RMPs, RMP*Submit™, discussed below, is available from http://www.epa.gov/ceppo and from the EPCRA hotline (see Appendix E for contact information).

9.1 ELEMENTS OF THE RMP

The length and content of your RMP will vary depending on the number and program level of the covered processes at your facility. See Chapter 2 for detailed guidance on how to determine the program levels of each of the covered processes at your facility.

Any facility with one or more covered processes must include in its RMP:

- ✦ An executive summary (§ 68.155);
- ✦ The registration for the facility (§ 68.160);
- ✦ The certification statement (§ 68.185);
- ✦ A worst-case scenario for each Program 1 process; at least one worst-case scenario to cover all Program 2 and 3 processes involving regulated toxic substances; at least one worst-case scenario to cover all Program 2 and 3 processes involving regulated flammables (§ 68.165(a));
- ✦ The five-year accident history for each process (§ 68.168); and
- ✦ A summary of the emergency response program for the facility (§ 68.180).

Any facility with at least one covered process in Program 2 or 3 must also include in its RMP:

- ✦ At least one alternative release scenario for each regulated toxic substance in Program 2 or 3 processes and at least one alternative release scenario to cover all regulated flammables in Program 2 or 3 processes (§ 68.165(b));

- A summary of the prevention program for each Program 2 process (§ 68.170); and

- A summary of the prevention program for each Program 3 process (§ 68.175).

Subpart G of part 68 (see Appendix A) provides more detail on the data required for each of the elements. The actual RMP form, however, contains more detailed guidance to make it possible to limit the number of text entries. For example, the rule requires you to report on the major hazards identified during a PHA or hazard review and on public receptors affected by worst-case and alternative case scenarios. The RMP provides a list of options for you to check for these elements. Except for the executive summary, the RMP consists primarily of yes/no answers, numerical information (e.g., dates, quantities, distances), and a few text answers (e.g., names, addresses, chemical identity). Where possible, RMP*Submit™ provides "pick lists" to help you complete the form. For example, RMP*Submit™ provides a list of regulated substances and automatically fills in the CAS numbers when you select a substance.

EPA has provided instructions for each of the data elements to be reported in the RMP with RMP*Submit™. The instructions explain each data element and help you understand what acceptable data are for each. The instructions are posted on EPA's web site at http://www.epa.gov/ceppo and are available from the EPCRA hotline (see Appendix E for contact information).

9.2 RMP SUBMISSION

ELECTRONIC SUBMISSION

EPA has made RMP*Submit™ available to complete and file your RMP. RMP*Submit™ does the following:

- Provides a user-friendly, PC-based RMP Submission System available on diskettes and via the Internet;

- Uses a standards-based, open systems architecture so private companies can create compatible software; and

- Performs data quality checks, accept limited graphics, and provide on-line help including defining data elements and providing instructions.

The software runs on Windows 3.1 and above. There will not be a DOS or MAC version.

RMPs will be submitted to an EPA RMP Record Center on disk.

HARD COPY SUBMISSION

If you are unable to submit electronically for any reason, just fill out the Electronic Waiver form available in the RMP*Submit™ manual and send it in with your RMP. See the RMP*Submit manual for more information on the Electronic Waiver.

9.3 ISSUES PERTAINING TO SUBMISSIONS OF AND ACCESS TO CONFIDENTIAL BUSINESS INFORMATION (CBI) AND TRADE SECRETS

WHAT SHOULD I DO ABOUT CONFIDENTIAL BUSINESS INFORMATION (CBI)?

Under CAA section 114(c) and 40 CFR part 2, you may claim information included in your RMP as CBI. To qualify for CBI protection, you must be able to show that the information meets the substantive criteria set forth in 40 CFR 2.301. These criteria generally require that the data be commercial or financial, that they not be available to the public through other means, that you take appropriate steps to prevent disclosure, and that disclosure of the data would be likely to cause substantial harm to your competitive position. Review of any CBI claims will be handled as provided for in 40 CFR part 2. However, certain RMP data elements are not claimable as CBI because they do not convey any business-sensitive information. EPA has developed specific procedures for submission of CBI claims for RMPs. See the January 6, 1999, final rule at the end of Appendix A for details on the CBI requirements.

9.4 RESUBMISSION AND UPDATES (§ 68.190)

When you are required to update and resubmit your RMP is based on whether and what changes occur at your facility. Please refer to the Exhibit 9-1 and note that you are required to update and resubmit your RMP on the **earliest** of the dates that apply to your facility:

WHEN DOES THE OFFSITE CONSEQUENCE ANALYSIS (OCA) NEED TO BE REVISED?

You'll need to revise your OCA when a change at your facility results in the distance to an endpoint from a worst-case release rising or falling by at least a factor of two. For example, if you increase your inventory substantially or install passive mitigation to limit the potential release rate, you should re-estimate the distance at an endpoint. If the distance is at least doubled or halved, you must revise the RMP. For most substances, the quantity that would be released would have to increase (decrease) by more than a factor of five to double (half) the distance to an endpoint.

CAN I FILE PREDICTIVELY?

Predictive filing is an option that allows you to submit an RMP that includes regulated substances that may not be held at the facility at the time of submission. This option is intended to assist chemical warehouses and other facilities whose operations involve highly variable types and quantities of regulated substances,

EXHIBIT 9-1
RMP UPDATES

Change That Occurs at Your Facility	Date by Which You Must Update and Submit your RMP
No changes occur	Within 5 years of initial submission
A newly regulated substance is first listed by EPA	Within 3 years of the date EPA listed the newly regulated substance
A regulated substance is first present above its threshold quantity in: -- a process already covered; or -- a new process.	On or before the date the quantity of the regulated substance exceeds the threshold in the process.
A change occurs that results in a revised PHA or hazard review	Within 6 months of the change
A change occurs that requires a revised offsite consequence analysis	Within 6 months of the change
A change occurs that alters the Program level that previously applied to any covered process	Within 6 months of the change
A change occurs that makes the facility no longer subject to the requirements to submit a Risk Management Plan	Submit a revised registration (indicating that the RMP is no longer required) to EPA within 6 months of the change

but who are able to forecast their inventory with some degree of accuracy. Under § 68.190, you are required to update and re-submit your RMP no later than the date on which a new regulated substance is first present in a covered process above a threshold quantity. By using predictive filing, you will not be required to update and re-submit your RMP when you receive a new regulated substance if that substance was included in your latest RMP submission (as long as you receive it in a quantity that does not trigger a revised offsite consequence analysis as provided in § 68.36).

If you use predictive filing, you must implement your Risk Management Program and prepare your RMP exactly as you would if you actually held all of the substances included in the RMP. This means that you must meet all rule requirements for each regulated substance for which you file, whether or not that substance is actually held on site at the time you submit your RMP. Depending on the substances for which you file, this may require you to perform additional worst-case and alternative-case scenarios and to implement additional prevention program elements. If you use this option, you must still update and resubmit your RMP if you receive a regulated substance that was not included in your latest RMP. You must also continue to comply with the other update requirements stated in § 68.190. Applying predictive filing to warehouses is described in more detail in Chapter 1, section 1.8.

HOW DO I DE-REGISTER?

If your facility is no longer covered by this rule, you must submit a letter to the RMP Record Center within six months indicating that your stationary source is no longer covered. RMP*Submit will create this letter for you.

Q & A
"REVISING" A PHA

Q. The rule states that I have to update my RMP whenever I revise a PHA. What constitutes a revised PHA? Every time I go through management of change procedures I make a notation in the PHA file for the process, but would that constitute a revised PHA if the change did not affect the validity of the PHA?

A. All changes (except replacement in kind) are subject to the management of change of procedures. When processes undergo minor changes (e.g., minor rerouting of a piping run), information is typically added to a PHA file to reflect the change, even though the validity of the PHA is not affected by the modification. These minor changes and the addition of information about the change to the PHA file are not considered a 'revision' of the PHA under the part 68. Major changes that invalidate' a PHA, leading you to 'update' or 'revalidate' the PHA so that it accurately reflects the hazards of the process, are considered a revision of the PHA under part 68.